

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

12 CV 0479

BURBERRY LIMITED and
BURBERRY LIMITED,

Plaintiffs,

v.

JOHN DOE 1 A/K/A QIAO RENFENG A/K/A QIU
YANYANG A/K/A LIN RUI A/K/A CHEN DERONG A/K/A
XUE BINXUAN A/K/A YONGBO LI A/K/A XIAO
JINGJING A/K/A JIANG AI A/K/A XUZHEYE XUZHEYE
A/K/A XU ZHEYE A/K/A ZHOU MINMIN A/K/A ZHAO LI
A/K/A ZHENG LINTIAN A/K/A LINTIAN ZHENG A/K/A
CHEN CHENG A/K/A YANG CHENG A/K/A HUANG
YAYAN A/K/A WU JINGQING A/K/A WU WU A/K/A
ZHANG LILI A/K/A CHEN MINXIA A/K/A LINXICHUN
A/K/A XICHUN LIN A/K/A XUZIMI A/K/A XU ZIMI A/K/A
HUANG BOMING A/K/A LIU GUOREN; JOHN DOE 2
A/K/A LIUQING WU A/K/A WU LIUQING; JOHN DOE 3
A/K/A HONGPUYI A/K/A WANGHAO A/K/A LIUTAO
A/K/A LIMEI XIAO A/K/A XIAOLIMEI; JOHN DOE 4
A/K/A CHEN XUE A/K/A CHEN DAI A/K/A CHEN DAIL
A/K/A CHEN JUN YONG A/K/A CHEN XUEFENG; JOHN
DOE 5 A/K/A WANG ZHENGLEI A/K/A SUN XIAN
SHENG A/K/A XIANGSHENG WANG A/K/A WANG
ZHENG LEI A/K/A ZHENGLEI WANG A/K/A ZHENG
WANG A/K/A WANG XIAN SHENG; JOHN DOE 6 A/K/A
HUANGMINJUN A/K/A WU LONGQI A/K/A LUO TINGFEI
A/K/A QINFAN; JOHN DOE 7; JOHN DOE 8 A/K/A
CHENQI A/K/A QI CHEN A/K/A JONE SMITH A/K/A LIN
LIN A/K/A FJC004 A/K/A LE LE A/K/A JAMES D. HILL;
JOHN DOE 9 A/K/A REN XIAOQING A/K/A XIAOQING
REN A/K/A SUMMER A/K/A BUSINESS A/K/A AMY
SMITH A/K/A XIONG TENG A/K/A XIONTENG A/K/A
MIKE WANG A/K/A HE QIAN A/K/A DUOSIYIBEI A/K/A
ANNIE HE; JOHN DOE 10 A/K/A JUNGLE KOO; JOHN
DOE 11 A/K/A CHEN YIFAN A/K/A ZHANG SHI A/K/A LI
CHANG A/K/A PENG PENG A/K/A WAN SAN SAN A/K/A
MENG XIANG A/K/A GAN PING A/K/A FANG PING
A/K/A CHEN ZHEN A/K/A KAI SHA A/K/A WANG BIN
BIN A/K/A PING PING A/K/A LI MEIMEI A/K/A XU
WANG A/K/A PING JIN A/K/A XUE JI MING A/K/A
BOSER BOSET A/K/A WANG JIANG A/K/A WER ERW;
JOHN DOE 12 A/K/A CHEN GUOPENG A/K/A GUOPENG
CHEN; JOHN DOE 13 A/K/A WANGZHIQIANG A/K/A

Civil Action

No.: _____

COMPLAINT

JURY TRIAL DEMANDED



YANG A/K/A ANDY A/K/A ONLY A/K/A LIURUOLAN;	:
JOHN DOE 14 A/K/A WAN ZHENCAI A/K/A HUANG YAN	:
A/K/A HUANG YAN JIN A/K/A YU MEI ZHANG A/K/A	:
YANG WEN XUE; XYZ COMPANIES, AND JOHN DOES	:
15-100,	:
Defendants.	:
	:

Plaintiffs Burberry Limited, a United Kingdom corporation (“Burberry Limited (UK)”) and Burberry Limited, a New York corporation (“Burberry Limited (US)”) (collectively, “Burberry” or “Plaintiffs”), by their counsel THE GIOCONDA LAW GROUP PLLC, complain and allege against John Doe 1 A/K/A Qiao Renfeng A/K/A Qiu Yanyang A/K/A Lin Rui A/K/A Chen Derong A/K/A Xue Binxuan A/K/A Yongbo Li A/K/A Xiao Jingjing A/K/A Jiang Ai A/K/A Xuzheye Xuzheye A/K/A Xu Zheye A/K/A Zhouminmin A/K/A Zhao Li A/K/A Zheng Lintian A/K/A Lintian Zheng A/K/A Chen Cheng A/K/A Yang Cheng A/K/A Huang Yayan A/K/A Wu Jingqing A/K/A Wu Wu A/K/A Zhang Lili A/K/A Chen Minxia A/K/A Linxichun A/K/A Xichun Lin A/K/A Xuzimi A/K/A Xu Zimi A/K/A Huang Boming A/K/A Liu Guoren; John Doe 2 A/K/A Liuqing Wu A/K/A Wu Liuqing; John Doe 3 A/K/A Hongpuyi A/K/A Wanghao A/K/A Liutao A/K/A Limei Xiao A/K/A Xiaolimei; John Doe 4 A/K/A Chen Xue A/K/A Chen Dai A/K/A Chen Dail A/K/A Chen Jun Yong A/K/A Chen Xuefeng; John Doe 5 A/K/A Wang Zhenglei A/K/A Sun Xian Sheng A/K/A Xiangsheng Wang A/K/A Wang Zheng Lei A/K/A Zhenglei Wang A/K/A Zheng Wang A/K/A Wang Xian Sheng; John Doe 6 A/K/A Huangminjun A/K/A Wu Longqi A/K/A Luo Tingfei A/K/A Qinfan; John Doe 7; John Doe 8 A/K/A Chenqi A/K/A Qi Chen A/K/A Jone Smith A/K/A Lin Lin A/K/A Fjc004 A/K/A Le Le A/K/A James D. Hill; John Doe 9 A/K/A Ren Xiaoqing A/K/A Xiaoqing Ren A/K/A Summer A/K/A Business A/K/A Amy Smith A/K/A Xiong Teng A/K/A Xionteng A/K/A Mike Wang

A/K/A He Qian A/K/A Duosiyibei A/K/A Annie He; John Doe 10 A/K/A Jungle Koo; John Doe 11 A/K/A Chen Yifan A/K/A Zhang Shi A/K/A Li Chang A/K/A Peng Peng A/K/A Wan San San A/K/A Meng Xiang A/K/A Gan Ping A/K/A Fang Ping A/K/A Chen Zhen A/K/A Kai Sha A/K/A Wang Bin Bin A/K/A Ping Ping A/K/A Li Meimei A/K/A Xu Wang A/K/A Ping Jin A/K/A Xue Ji Ming A/K/A Boser Boset A/K/A Wang Jiang A/K/A Wer Erw; John Doe 12 A/K/A Chen Guopeng A/K/A Guopeng Chen; John Doe 13 A/K/A Wangzhiqiang A/K/A Yang A/K/A Andy A/K/A Only A/K/A Liuruolan; John Doe 14 A/K/A Wan Zhencai A/K/A Huang Yan A/K/A Huang Yan Jin A/K/A Yu Mei Zhang A/K/A Yang Wen Xue; XYZ Companies, and John Does 15-100, (collectively, “Defendants”) as follows:

NATURE OF THE ACTION

1. The Defendants, who have no affiliation with Burberry, operate a large network of Internet websites (the “Infringing Websites”), all of which incorporate the BURBERRY® trademark in the websites’ domain names (the “Infringing Domain Names”), and which use Plaintiffs’ registered trademarks and logos (the “Burberry Trademarks”), as well as the Plaintiffs’ advertising campaign images, in a deliberate attempt to create the false impression that the Infringing Websites are authorized BURBERRY® retail websites. The Defendants use the Infringing Websites to sell hundreds of replicas of the Plaintiffs’ high quality luxury goods, including handbags, scarves, shoes, wallets, belts, ties, apparel, sunglasses and watches, each of which bear multiple counterfeit reproductions of the Burberry Trademarks (the “Counterfeit Products”).

2. This is an action for trademark counterfeiting, trademark infringement, trademark dilution, and cybersquatting brought pursuant to Sections 32, 43(a), 43(c), and 43(d) of the Lanham Act, 15 U.S.C. §§ 1114, 1125(a), (c), and (d), and related causes of action under

Sections 349, 350, and 360-1 of the New York General Business Law, and for violations of the New York State common law.

3. In this Complaint, Burberry seeks injunctive relief and damages arising from Defendants' willful misappropriation of several famous and distinctive Burberry Trademarks.

4. Defendants' misuse of the Burberry Trademarks on Counterfeit Products sold through the Infringing Websites has significantly injured Burberry's reputation and goodwill, and has diluted the distinctiveness of the famous Burberry Trademarks. Unless enjoined, Defendants' conduct will continue to injure both Burberry and the public.

JURISDICTION AND VENUE

5. This Court has jurisdiction over the subject matter of this action pursuant to Section 39 of the Lanham Act, 15 U.S.C. § 1121, 28 U.S.C. §§ 1331 and 1338(a) for the claims arising out of the violations of Sections 32 and Section 43 of the Lanham Act; has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 for the claims arising out of the violation of Sections 349, 350, and 360-1 of the New York Business Law, and all other claims arising under the common law of the State of New York; and has jurisdiction pursuant to 28 U.S.C. §§ 1338(b) and 1367 for the claims under the common law of unfair competition.

6. This Court has personal jurisdiction over the Defendants because the products that are the subject of this action were, and continue to be, sold and offered for sale to consumers in this district.

7. Venue is proper in this judicial district under 28 U.S.C. § 1391, as a substantial part of the events giving rise to the claims occurred in this district.

PARTIES

Plaintiffs

8. Plaintiff Burberry Limited (UK) is a corporation duly organized and existing under the laws of the United Kingdom with a principal place of business at Horseferry House, Horseferry Road, London, SW1P 2AW, United Kingdom.

9. Plaintiff Burberry Limited (US) is a corporation duly organized under the laws of the State of New York with a principal place of business at 444 Madison Avenue, New York, New York 10022.

Defendants

10. A chart listing the Defendants and their Infringing Websites and Infringing Domain Names, without limitation, is attached as Exhibit 1.

11. On information and belief, **Defendant John Doe 1, a/k/a Qiao Renfeng, Qiu Yanyang, Lin Rui, Chen Derong, Xue Binxuan, Yongbo Li, Xiao Jingjing, Jiang Ai, Xuzhey Xuzhey, Zhouminmin, Zhao Li, Zheng Lintian, Lintian Zheng, Chen Cheng, Yang Cheng, Huang Yayan, Wu Jingqing, Wu Wu, Zhang Lili, Chen Minxia, Linxichun, Xichun Lin, Xuzimi, Xu Zimi, Huang Boming, and Lui Guoren** (“John Doe 1”), is an individual or entity engaged in the manufacture, distribution, sale, and advertisement of Counterfeit Products in connection with the Infringing Websites, but whose identity, actual name, address, and telephone number are presently unknown.

12. On information and belief, **Defendant John Doe 1** is the registrant, creator, and operator of Infringing Websites associated with the following Infringing Domain Names: **2011Burberry-Outlet.com, 2011BurberryOutlet.info, BurberryOnline-Sale.com, Burberry-Outlet.us, Burberry-Outlet2011.com, Burberry-Outlet2011.net, BurberryOutletOnline.info, BurberryOutlet-Sale.info, Burberry-OutletSale.net, Burberry-OutletSale.org, BurberrySale-Online.com, BurberrySale-Outlet.com,**

BurberrySaleOutlet.info, BurberrySaleOutlet.us, BurberrySale-USA.com, CheapBurberry-Outlet.com, DiscountBurberryOutlet.com, USBurberry-Outlet.com, 2011BurberrySale.com, BurberrySale-Outlet.net, BurberrysOutletOnline.info, and BurberryOutlet-Sale.us.

13. On information and belief, **Defendant John Doe 2, a/k/a Liuqing Wu and Wu Liuqing**, (“John Doe 2”) is an individual or entity engaged in the manufacture, distribution, sale, and advertisement of Counterfeit Products in connection with the Infringing Websites, but whose identity, actual name, address, and telephone number are presently unknown.

14. On information and belief, **Defendant John Doe 2** is the registrant, creator, and operator of Infringing Websites associated with the following Infringing Domain Names:

BurberryBorse.com, BurberryOutletOnline.org, BurberryOutlet-Onlines.net, BurberryOutletOnline-Store.net, BurberryOutletOnline-Store.org, BurberryOutlet-s.com, and Burberry-s.com.

15. On information and belief, **Defendant John Doe 3, a/k/a Hongpuyi, Wanghao, Liutao, Limei Xiao, and Xiaolimei** (“John Doe 3”) is an individual or entity engaged in the manufacture, distribution, sale, and advertisement of Counterfeit Products in connection with the Infringing Websites, but whose identity, actual name, address, and telephone number are presently unknown.

16. On information and belief, **Defendant John Doe 3** is the registrant, creator, and operator of Infringing Websites associated with the following Infringing Domain Names:

BurberryOutlet2011.org, BurberrySales.net, Burberry-Sales.net, BurberrySitOufficiale.com, and BurberrySitOufficiale-IT.com.

17. On information and belief, **Defendant John Doe 4, a/k/a Chen Xue, Chen Dai, Chen Dail, Chen Jun Yong, and Chen Xuefeng** (“John Doe 4”) is an individual or entity engaged in the manufacture, distribution, sale, and advertisement of Counterfeit Products in connection with the Infringing Websites, but whose identity, actual name, address, and telephone number are presently unknown.

18. On information and belief, **Defendant John Doe 4** is the registrant, creator, and operator of Infringing Websites associated with the following Infringing Domain Names: **Burberry-BagOutlets.com, Burberry-Bag-Outlets.com, and Burberry-BagsOutlet.com.**

19. On information and belief, **Defendant John Doe 5, a/k/a Wang Zhenglei, Sun Xian Sheng, Xiangsheng Wang, Wang Zheng Lei, Zhenglei Wang, Zheng Wang, and Wang Xian Sheng** (“John Doe 5”) is an individual or entity engaged in the manufacture, distribution, sale, and advertisement of Counterfeit Products in connection with the Infringing Websites, but whose identity, actual name, address, and telephone number are presently unknown.

20. On information and belief, **Defendant John Doe 5** is the registrant, creator, and operator of Infringing Websites associated with the following Infringing Domain Names: **BurberryOutlet4u.org, BurberryOutlet-Online.org, BurberryOutletOnline4u.com, BurberryOutletOnline4u.net, BurberryOutletOnline4u.net, BurberryOutletOnline4u.org, BurberryOutletOnlinee.com, BurberryOutletOnlinee.net, BurberryOutletOnlinee.org, BurberryOutletOnlineShops.net, BurberryOutletss.org, BurberryStoreSale.com, OnlineBurberryOutlet.net, and Online-BurberryOutlet.org, OnlinesBurberryOutlet.com, and Online-BurberryOutlet.net.**

21. On information and belief, **Defendant John Doe 6, a/k/a Huangminjun, Wu Longqi, Luo Tingfei, and Qinfan** (“John Doe 6”) is an individual or entity engaged in the

manufacture, distribution, sale, and advertisement of Counterfeit Products in connection with the Infringing Websites, but whose identity, actual name, address, and telephone number are presently unknown.

22. On information and belief, **Defendant John Doe 6** is the registrant, creator, and operator of Infringing Websites associated with the following Infringing Domain Names:

Burberrys-Vision.com, BurberryVision.com, Burberry-Vision.com, BurberryVisions.com, Burberry-Visions.com, MyBurberrySale.com, TopBurberrySales.com and YesBurberryVision.com.

23. On information and belief, **Defendant John Doe 7** is an individual or entity engaged in the manufacture, distribution, sale, and advertisement of Counterfeit Products in connection with the Infringing Websites, but whose identity, actual name, address, and telephone number are presently unknown.

24. On information and belief, **Defendant John Doe 7** is the registrant, creator, and operator of Infringing Websites associated with the following Infringing Domain Names:

Burberry1856.net, BurberryBags1856.net, Burberry-Bags-Outlet.com, BurberryForCheap.com, BurberryForSales.com, BurberryOutletFactory.com, BurberryOutletNew.net, and Burberry-Premium-Outlet.com.

25. On information and belief, **Defendant John Doe 8, a/k/a Chenqi, Qi Chen, Jone Smith, Lin Lin, Fjc004, Le Le, and James D. Hill** (“John Doe 8”) is an individual or entity engaged in the manufacture, distribution, sale, and advertisement of Counterfeit Products in connection with the Infringing Websites, but whose identity, actual name, address, and telephone number are presently unknown.

26. On information and belief, **Defendant John Doe 8** is the registrant, creator, and operator of Infringing Websites associated with the following Infringing Domain Names: **Bur-Berry.com, BurberryCheapStore.com, BurberryOutletDresses.com, BurberryOutletDressss.com, BurberryOutletsDress.com, BurberryOutletsDresses.com, BurberryScarves.com, BurberrysOutletsDress.com, and CheapBurberrySelling.com.**

27. On information and belief, **Defendant John Doe 9, a/k/a Ren Xiaoqing, Xiaoqing Ren, Summer, Business, Amy Smith, Xiong Teng, Xionteng, Mike Wang, He Qian, Duosiyibei, and Annie He** (“John Doe 9”) is an individual or entity engaged in the manufacture, distribution, sale, and advertisement of Counterfeit Products in connection with the Infringing Websites, but whose identity, actual name, address, and telephone number are presently unknown.

28. On information and belief, **Defendant John Doe 9** is the registrant, creator, and operator of Infringing Websites associated with the following Infringing Domain Names: **BurberryOutlet-Sale.net, BurberryOutletSaleOnline.net, BurberrySaleOutlet.net, BurberrySaleOutlet.org, CheapBurberryOutletSale.net, CheapBurberrySaleOutlet.com, CheapBurberrySaleOutlet.net, CheapBurberrySaleOutlet.org, CheapBurberrySaleOutlets.com, CheapBurberrySaleOutlets.net, CheapBurberrySaleOutlets.org, CheapBurberrysSaleOutlet.com, CheapBurberrysSaleOutlet.net and CheapBurberrysSaleOutlet.org.**

29. On information and belief, **Defendant John Doe 10, a/k/a Jungle Koo** (“John Doe 10”) is an individual or entity engaged in the manufacture, distribution, sale, and advertisement of Counterfeit Products in connection with the Infringing Websites, but whose identity, actual name, address, and telephone number are presently unknown.

30. On information and belief, **Defendant John Doe 10** is the registrant, creator, and operator of Infringing Websites associated with the following Infringing Domain Names:

Burberry-Mens.com and Burberry-Womens.com.

31. On information and belief, **Defendant John Doe 11, a/k/a Chen Yifan, Zhang Shi, Li Chang, Peng Peng, Wan San San, Meng Xiang, Gan Ping, Fang Ping, Chen Zhen, Kai Sha, Wang Bin Bin, Ping Ping, Li Meimei, Xu Wang, Ping Jin, Xue Ji Ming, Boser Boset, Wang Jiang, and Wer Erw** (“John Doe 11”) is an individual or entity engaged in the manufacture, distribution, sale, and advertisement of Counterfeit Products in connection with the Infringing Websites, but whose identity, actual name, address, and telephone number are presently unknown.

32. On information and belief, **Defendant John Doe 11** is the registrant, creator, and operator of Infringing Websites associated with the following Infringing Domain Names:

BurberryOutletA.com, BurberryOutletB.com, BurberryOutletC.com,

BurberryOutletD.com, BurberryOutletE.com, BurberryOutletF.com,

BurberryOutletFab.com, BurberryOutletFabs.com, BurberryOutletG.com,

BurberryOutleti.com, BurberryOutletInc.com, BurberryOutletKick.com,

BurberryOutletOK.com, BurberryOutletous.com, BurberryOutletoUSA.com,

BurberryOutletSaleOK.com, BurberryOutletSaleT.com, BurberryOutletScarfs.com,

BurberryOutletSet.com, BurberryOutletsEtin.com, BurberryOutletUSA.com, and

BurberryOutletWeb.com.

33. On information and belief, **Defendant John Doe 12, a/k/a Chen Guopeng and Guopeng Chen** (“John Doe 12”) is an individual or entity engaged in the manufacture, distribution, sale, and advertisement of Counterfeit Products in connection with the Infringing

Websites, but whose identity, actual name, address, and telephone number are presently unknown.

34. On information and belief, **Defendant John Doe 12** is the registrant, creator, and operator of Infringing Websites associated with the following Infringing Domain Names: **BurberrySale365.com, BurberrySaleWorld.com, and Burberryz.com.**

35. On information and belief, **Defendant John Doe 13, a/k/a Wangzhiqiang, Yang, Andy, Only, and Liuruolan** (“John Doe 13”) is an individual or entity engaged in the manufacture, distribution, sale, and advertisement of Counterfeit Products in connection with the Infringing Websites, but whose identity, actual name, address, and telephone number are presently unknown.

36. On information and belief, **Defendant John Doe 13** is the registrant, creator, and operator of Infringing Websites associated with the following Infringing Domain Names: **USA~~Burberry~~ForSale.com, USA-B~~Burberry~~ForSale.net, and USA~~Burberry~~HandbagsSale.com.**

37. On information and belief, **Defendant John Doe 14, A/K/A Wan Zhencai A/K/A Huang Yan A/K/A Huang Yan Jin A/K/A Yu Mei Zhang A/K/A Yang Wen Xue** (“John Doe 1”) is an individual or entity engaged in the manufacture, distribution, sale, and advertisement of Counterfeit Products in connection with the Infringing Websites, but whose identity, actual name, address, and telephone number are presently unknown.

38. On information and belief, **Defendant John Doe 14** is the registrant, creator, and operator of Infringing Websites associated with the following Infringing Domain Names: **BurberryBagOutlet.org, BurberryOuteltOnlines.com, Burberry-Outlet-Online.org, and CheapBurberry-OutletOnline.com.**

39. On information and belief, **Defendant XYZ Companies** are companies consciously engaged in directing, controlling, ratifying, facilitating, promoting, or otherwise participating in the manufacture, sale, distribution, and advertisement of Counterfeit Products in connection with the Infringing Websites and Infringing Domain Names, or who consciously and directly benefit financially from the manufacture, distribution, sale, and advertisement of Counterfeit Products in connection with the Infringing Websites and Infringing Domain Names, but whose identities, actual names, addresses, and telephone numbers are presently unknown.

40. On information and belief, **Defendants John Does 15-100** are individuals or entities consciously engaged in directing, controlling, ratifying, facilitating, promoting, or otherwise participating in the manufacture, sale, distribution and advertisement of Counterfeit Products in connection with the Infringing Websites and Infringing Domain Names, or who consciously and directly benefit financially from the manufacture, distribution, sale, and advertisement of Counterfeit Products in connection with the Infringing Websites and Infringing Domain Names, but whose identities, actual names, addresses, and telephone numbers are presently unknown.

FACTUAL BACKGROUND

Burberry and the Famous Burberry Trademarks

41. Burberry is an internationally recognized luxury brand involved in the design, manufacture, advertising, distribution, and sale of high-quality apparel, handbags, scarves, luggage, and other accessories.

42. For more than 80 years, Burberry has continuously used its distinctive check trademark (the “BURBERRY CHECK”), the BURBERRY® trademark, and the EQUESTRIAN KNIGHT DEVICE trademark (collectively, the “Burberry Trademarks”) in connection with its

products. Burberry has devoted substantial resources to promoting the goodwill of the Burberry Trademarks. As a result, the Burberry Trademarks have become famous and serve to symbolize Burberry and its reputation as a manufacturer of luxury goods of the highest quality.

43. The United States Patent and Trademark Office has granted Burberry numerous federal registrations for the Burberry Trademarks, including the following registrations (Attached as Exhibit 2):

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
260,843	BURBERRY	08/27/1929	25
510,077	BURBERRY	05/24/1949	25
1,133,122	BURBERRY	04/15/1980	18
1,607,316	BURBERRY	07/24/1990	09
1,747,765	BURBERRY	01/19/1993	14
2,624,684	BURBERRY	09/24/2002	35
2,875,336	BURBERRY	08/17/2004	09, 14
3,879,249	BURBERRY	11/23/2010	25
1,241,222	Burberry Check	06/07/1983	25
1,855,154	Burberry Check	09/20/1994	14
2,022,789	Burberry Check	12/17/1996	18, 24, 25, 28
2,612,272	Burberry Check	08/27/2002	35
2,732,617	Burberry Check	07/01/2003	03, 18, 25
2,845,852	Burberry Check	05/25/2004	09
3,529,814	Burberry Check	11/11/2008	18, 20, 21, 24, 25, 28, 35
3,202,484	BURBERRY LONDON	01/23/2007	03, 04, 09, 14, 16, 18, 20, 21, 25, 28
863,179	Equestrian Knight Design	01/07/1969	25
1,622,186	Equestrian Knight Design	11/13/1990	09
1,903,508	Equestrian Knight Design	07/04/1995	14
2,512,119	Equestrian Knight Design	11/27/2001	03, 18
2,952,399	Equestrian Knight Design	05/17/2005	09, 14
2,610,329	PRORSUM	08/20/2002	25
2,654,697	PRORSUM	11/26/2002	18

44. The registrations for the Burberry Trademarks are in full force and effect and many have become incontestable pursuant to 15 U.S.C. § 1065.

45. Plaintiffs have used the Burberry Trademarks on and in connection with the

advertising and sale of a wide variety of luxury goods, including but not limited to apparel, handbags, wallets, scarves, footwear, eyewear, jewelry, and other furnishings. Burberry has sold and advertised its luxury goods in interstate and intrastate commerce, including commerce in the State of New York, and in this judicial district. As a result of their widespread use, these trademarks have become a symbol of modern luxury and synonymous with Burberry. The Burberry Trademarks have acquired secondary meaning and have come to be known as source identifiers for authentic Burberry products.

46. Burberry merchandise is sold in 189 retail stores, 208 concessions, 46 outlets, and 56 franchise stores, with e-commerce in over 45 countries. In the United States, Burberry products are sold in 82 Burberry retail and outlet stores, online at www.Burberry.com, and at well-known department stores such as Saks Fifth Avenue, Neiman Marcus and Nordstrom.

47. As a result of Burberry's advertising and promotional efforts and its continuous use of the Burberry Trademarks for many years, Burberry has attained one of the highest levels of recognition among luxury brands in the United States and the Burberry Trademarks have become famous.

Defendants' Unlawful Use of the Burberry Trademarks

48. Long after Burberry's adoption, use, and federal registration of the Burberry Trademarks, Defendants began to offer for sale, and/or sell merchandise Counterfeit Products bearing unauthorized reproductions of the Burberry Trademarks. Upon information and belief, Defendants have repeatedly engaged in this conduct over a significant period of time. Upon information and belief, Defendants have continued to import, distribute, supply, promote, and/or sell Counterfeit Products bearing the Burberry Trademarks with knowledge that the

merchandise was in fact counterfeit. Through these acts, Defendants have demonstrated that their infringement of the Burberry Trademarks is willful.

49. On information and belief, the Defendants have sold and/or shipped Counterfeit Products into this District.¹

50. In order to sell and advertise their Counterfeit Products, the Defendants created, designed, and operate a sophisticated, frenetic network of Infringing Websites that incorporate Plaintiffs' registered trademarks, logos, and advertising campaign images, and which are deliberately designed to resemble authorized BURBERRY® retail Internet stores. (A representative sample of screenshots of the Infringing Websites is attached as Exhibit 3).

51. The Defendants have registered dozens of Infringing Domain Names incorporating the Burberry Trademarks, nearly all of which wholly include the famous BURBERRY® word mark, or a confusingly similar variant thereof. To date, Plaintiffs have discovered that the Defendants have registered at least one hundred twenty-four (124) Infringing Domain Names, including:

¹ Burberry's investigator ordered one pair of "Burberry Check Temple Sunglass Pink [sic] (10508)" from Defendant John Doe 14, aka Liqun Liu, via the Infringing Website Burberry-Outlet-Online.org. However, on January 4, 2012, Burberry's investigator received a pair of Coach®-branded sunglasses (the "Coach Sunglasses") from Defendant John Doe 14. When Burberry's investigator informed John Doe 14 of their mistake, and demanded the prompt shipping of "Burberry"-branded item ordered, John Doe 14 stated instead that the "[n]ext time you make an order, we will send you a gift as a compensation....", and later represented that "[n]ext time you made [sic] an order, we will send it with your order." *Id.* Burberry has confirmed that the Coach Sunglasses received from John Doe 14 are, in fact, counterfeit.

- 2011Burberry-Outlet.com
- 2011BurberryOutlet.info
- 2011BurberrySale.com
- Bur-Berry.com
- Burberry1856.net
- BurberryBagOutlet.org
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